

**From:** Gilbert, Joel </O=BALCH/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JGILBERT>  
**Sent:** Wednesday, October 21, 2015 2:40 PM  
**To:** 'Mr. Van Richey' <vrichey@american-usa.com>; 'Matt Bowden' <mwbowden@southernco.com>; 'mikethompson@thompsoncontractor.com'; 'Roberson, David' <DRoberson@drummondco.com>  
**Subject:** RE: AJE Info (Attorney Work Product / Attorney-Client Communication / Privileged & Confidential)  
**Attach:** 2015 10 20 LeFleur to Toney EPA Region 4 - Tarrant City AL.PDF; Tarrant 1Ala Joint Resolution SJR97 (signed) (1).pdf; Tarrant 2 Jefferson County Resolution (1) (1).pdf; Tarrant 3 City Council Resolution (1).pdf; Tarrant 4 Mayor Tuck Letter (1).pdf

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Attorney Work Product / Attorney-Client Communication / Privileged & Confidential

All – I just wanted to pass along the attached letter from ADEM Director LeFleur to EPA Region IV concerning EPA's activities in Tarrant. Also, if you have any feedback/comments concerning the draft letter for prospective members that I sent out last Friday, please let me know. Thanks.

Joel

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**From:** Gilbert, Joel  
**Sent:** Friday, October 16, 2015 11:42 AM  
**To:** 'Mr. Van Richey'; 'Matt Bowden'; 'mikethompson@thompsoncontractor.com'; 'Roberson, David'  
**Cc:** McKinney, Steve  
**Subject:** RE: AJE Info (Attorney Work Product / Attorney-Client Communication / Privileged & Confidential)

Attorney Work Product / Attorney-Client Communication / Privileged & Confidential

All –

Attached for your review is a draft of a letter I have put together for use by AJE in contacting prospective members. Please let me know if this is what you had in mind or if you were looking for something different. One particular issue I need feedback on is the "ask" in the letter. Is AJE wanting to have one big meeting and invite everyone or is this letter more of an initial notification of the formation of AJE and letting them know we will be following up with them individually soon? Let me know how you would like to handle and I will revise accordingly. Also, how do you want the letter signed? Once we have the letter finalized, we need to discuss the various companies that you want to receive the letter and we will get it to them.

Additionally, I also wanted to follow up on David's original email below and give you all an update on some of the community outreach efforts in the Tarrant area that I am aware of:

Get Smart Tarrant

- This past weekend, the residents in the area of EPA's initial sampling effort were surveyed by the Get Smart Tarrant group that David references below. It was used as a way to establish dialogue between Get Smart Tarrant representatives and the residents, as well as to understand if there are any real legitimate environmental concerns in the adjacent neighborhoods. This survey is in addition to the fliers that went out the week before. The feedback Get Smart Tarrant has gotten so far, is that the community as a whole is uninformed of what is going on and is not in favor of EPA coming in and sampling the area. (The survey is attached.)
- In addition to the fliers and survey, notices to the actual property owners making them aware of EPA's activities and directing them to a call-in number and website for Get Smart Tarrant to get more information went out this

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06/25/18 Jury Trial

DEFENDANT EXHIBIT 1223

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DX 1223 - 001



week to the property owners that own all the properties within the area designated for EPA's initial activities. Get Smart Tarrant will also be distributing yard signs to Tarrant residents in the near future, a picture of the yard signs is attached.

- There has been a great deal of interest throughout the neighborhoods regarding what EPA is up to, based on that, Get Smart Tarrant has been asked to host several neighborhood block meetings in the near future to educate the various residents as to why EPA coming into to Tarrant is not good for the City.
- Finally, Get Smart Tarrant sent a letter to Lanier Brown (Chair of the Alabama Environmental Management Commission) this week, highlighting the fact that the City of Tarrant and Jefferson County have passed resolutions requesting the State's help in pushing back on EPA. In addition, the Governor and the state legislature have also instructed ADEM to become fully engaged with what is taking place in Tarrant, despite this, ADEM has not become engaged in the matter (attached).

#### City of Tarrant

- Earlier this week, the City of Tarrant sent a letter to all of its residents notifying them of EPA's upcoming activities and telling the residents that the City did not believe EPA had any justification to perform the sampling and the City was opposed to EPA activities (attached).

#### Tarrant / Pinson Valley Chamber of Commerce

- Through Mike Thompson, I've been asked to speak at the Tarrant/Pinson Valley Chamber in November concerning EPA's and various local special interests groups' activities in Tarrant and the surrounding area and the potential impacts it will have on their companies.

Also, I know David tried to schedule a meeting several weeks ago but because of various conflicts, could not get one organized. Given the amount of activity and the need to really begin recruitment for AJE, a meeting probably is advisable in the next week or two if possible. Please let me know your availability and I will try to get a meeting scheduled.

If you have questions or comments on any of the above, please let me know. Thanks.

Joel



Joel I. Gilbert, Partner, Balch & Bingham LLP  
1901 Sixth Avenue North • Suite 1500 • Birmingham, AL 35203-4642  
t: (205) 226-8737 f:(205) 488-5824 e: [jgilbert@balch.com](mailto:jgilbert@balch.com)  
[www.balch.com](http://www.balch.com)

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**From:** Roberson, David [<mailto:DRoberson@drummondco.com>]  
**Sent:** Friday, October 02, 2015 9:57 AM  
**To:** Mike Thompson; Mr. Van Richey; Matt Bowden  
**Cc:** Ben Thomas; Gilbert, Joel  
**Subject:** Attorney-Client Privileged Information

Joel Gilbert asked me to forward you the attached information to review prior to our Monday conference call. Joel is out of town but requests that this information be treated as Attorney-Client Privileged and Confidential Information.

The map is the one given the City of Tarrant by EPA during a meeting this week, showing the area that EPA

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intends to come in and sample initially to determine if further action is needed. This area includes a total of 25 properties, with 2 of those properties being the 2 individuals that signed on the GASP petition. The flyer attached is from the group GET SMART TARRANT, a new group formed to inform the citizens of what is about to happen to them if the area becomes a Superfund site.

David Roberson  
Vice President  
Governmental & Regulatory Affairs  
Drummond Company, Inc.  
1000 Urban Center Drive, Suite 300  
Birmingham, AL 35242  
Office (205) 945-6580

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**DX 1223 - 003**



Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

October 20, 2015

Ms. Heather McTeer Toney  
Regional Administrator, U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Dear Administrator Toney:

Please see the attached Alabama Senate Joint Resolution SJR97, the Resolution of the Jefferson County Commission, the Resolution of the Tarrant City Council, and the Letter to the Citizens of Tarrant from Mayor Loxcil Tuck regarding the July 1, 2014 petition by the organization G.A.S.P. to investigate possible hazards to public health in the Tarrant / Pinson Valley communities.

Pursuant to EPA's CERCLA authority and EPA's internal procedures, EPA has performed a Preliminary Assessment and determined there is insufficient existing data to make a determination on proposing the area for listing on the National Priorities List. It is our understanding EPA will perform a Site Investigation to obtain the necessary data to determine if proposing a listing on the NPL is warranted.

ADEM, as the state agency tasked with overseeing environmental management activities in Alabama, has a vital interest in confirming that all data collection, analysis, and interpretation are accomplished in a timely and appropriate manner. As the attached documents make clear, there are many parties interested in this matter. This is especially so in light of concerns expressed previously regarding the North Birmingham area.

You may recall that ADEM was unable to concur in the North Birmingham proposed NPL listing for a number of reasons including the lack of access to data. To avoid a similar situation with the Tarrant / Pinson Valley matter, I ask that you provide a copy of the proposed sampling plan and laboratory methodology to be utilized by EPA for early review by ADEM.

The other reasons for non-concurrence such as counter-indicating ATSDR studies, non-supporting Jefferson County Department of Health cancer studies, no demonstrated significant threat to public health, and the availability of other more productive pathways to address any contamination present may also come into play in the Tarrant / Pinson Valley matter. In an effort to coordinate ADEM and EPA concerns more effectively, ADEM recommends both agencies address these issues during EPA's deliberative process before any proposed final action by EPA.

Birmingham Branch  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

Decatur Branch  
2715 Sandlin Road, S.W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)



Mobile Branch  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400  
(251) 479-2593 (FAX)

Mobile-Coastal  
3664 Dauphin Street, Suite B  
Mobile, AL 36608  
(251) 304-1176  
(251) 304-1189 (FAX)

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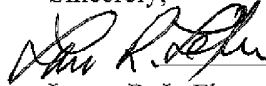
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Heather McTeer Toney  
10/20/2015  
Page 2 of 2

I look forward to reviewing this with you at your earliest convenience.

Sincerely,



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Lance R. LeFleur  
Director

LRL/ghe

Attachments(4)

cc: Franklin Hill, EPA Region 4  
Lanier Brown, AEMC

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**DX 1223 - 005**

ACT No. 2015 - 426

1 SJR97  
2 169945-3  
3 By Senator Waggoner  
4 RFD: Rules  
5 First Read: 28-MAY-15



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**DX 1223 - 006**

1 SJR97

2  
3  
4 ENROLLED, SJR97,

5 URGING INCREASED OVERSIGHT OF AND OPPOSITION TO  
6 EPA'S ACTIVITIES IN ALABAMA.  
7

8 WHEREAS, the Alabama Department of Environmental  
9 Management (ADEM) is entrusted by the citizens of Alabama to  
10 manage the State's resources in a manner compatible with the  
11 environment and the health and welfare of the citizens of the  
12 State; and

13 WHEREAS, ADEM oversees a comprehensive and  
14 coordinated program of environmental management capable of  
15 protecting Alabama's citizens from environmental and health  
16 hazards; and

17 WHEREAS, ADEM has an exemplary record of applying  
18 its regulatory programs in a fair and consistent manner; and

19 WHEREAS, Alabama depends on strong, viable  
20 businesses to provide jobs, stability, and tax revenue for its  
21 diverse communities; and

22 WHEREAS, businesses which comply with all applicable  
23 federal, state, and local environmental obligations should be  
24 free to operate without persistent interference from the

1 United States Environmental Protection Agency (EPA) and  
2 others; and

3 WHEREAS, EPA has applied its enforcement authority  
4 arbitrarily and unfairly in some of its activities in North  
5 Birmingham and Tarrant; and

6 WHEREAS, EPA has proposed the "35th Avenue Site" in  
7 North Birmingham for inclusion on the National Priority List  
8 (NPL) of Superfund sites, despite inadequate technical and  
9 legal basis for doing so and without the State's support; and

10 WHEREAS, EPA is attempting to impose a novel and  
11 overbroad "air deposition" theory of Superfund liability which  
12 would allow EPA to pursue industrial facilities for  
13 contamination at non-contiguous properties on the basis of air  
14 emissions which are subject to the federal Clean Air Act and  
15 authorized by a valid air operating permit; and

16 WHEREAS, EPA's broad air deposition theory would  
17 allow EPA to order businesses to clean up hazardous  
18 contamination within an indefinite area before proving that  
19 the business was actually responsible; and

20 WHEREAS, EPA is pursuing this air deposition theory  
21 as an illicit means for funding policy initiatives which are  
22 outside its regulatory authority; and

23 WHEREAS, EPA lacks legal authority under the  
24 Comprehensive Environmental Response, Compensation, and



1 Liability Act (CERCLA) or other federal law to impose this  
2 theory of air deposition liability; and

3 WHEREAS, the Alabama Attorney General has submitted  
4 comments to EPA vigorously objecting to EPA's methods of  
5 investigating the 35th Avenue site, assessing its own  
6 findings, proposing the site for inclusion on the NPL, and  
7 identifying PRPs; and

8 WHEREAS, ADEM has objected to EPA proposing the site  
9 for inclusion on the NPL; now therefore,

10 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
11 HOUSES THEREOF CONCURRING, That we urge the EPA to reconsider  
12 its proposal to include the 35th Avenue site on the NPL  
13 without the support of the State.

14 BE IT FURTHER RESOLVED, That we urge EPA to refrain  
15 from acting outside of its statutory authority in North  
16 Birmingham, Tarrant, and other communities in Alabama, and  
17 specifically to abandon its questionable "air deposition"  
18 theory of CERCLA liability.

19 BE IT FURTHER RESOLVED, That we urge the Attorney  
20 General and ADEM to combat the EPA's overreach and request  
21 that the Governor and Alabama's Congressional Delegation take  
22 any and all steps within their power to ensure that EPA's  
23 activities in Birmingham, and elsewhere throughout the state,  
24 remain squarely within its express statutory authority and are

1 appropriate for a science-based, regulatory agency entrusted  
2 with regulating American businesses.

3 BE IT FURTHER RESOLVED, That we support the comments  
4 and objections offered by the Attorney General and ADEM in  
5 response to EPA's overreaching, and we support both the  
6 Attorney General and ADEM as they continue in their legal  
7 opposition to the EPA's overreach.

*Kay Ivey*

President and Presiding Officer of the Senate

*Tommy Blanton*

Speaker of the House of Representatives

SJR97

Senate 02-JUN-15

I hereby certify that the within Senate Joint Resolution  
originated in and was adopted by the Senate, as amended.

Patrick Harris  
Secretary

House of Representatives  
Adopted: 03-JUN-15

By: Senator Waggoner

**APPROVED** June 9, 2015

**TIME** 5:00pm  
*Robert Bentley*  
**GOVERNOR**

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Alabama Secretary Of State

Act Num....: 2015-426  
Bill Num....: SJR-97

Recv'd 06/10/15 03:58pmSLF

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**DX 1223 - 011**

RESOLUTION OF RULES COMMITTEE  
This resolution having been referred by  
the House to its standing committee on  
\_\_\_\_\_ RULES \_\_\_\_\_ was acted upon  
by such committee in session, and  
returned therefrom to the House with  
the recommendation that it be adopted.

*Mac McCall* Chairman

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**DX 1223 - 012**

employee of the governing body of the County or any other public official or public employee, in any manner whatsoever, to secure or obtain this Agreement and further certify that, except as expressly set out in the scope of work or services of this Agreement, no promise or commitment of any nature whatsoever of anything of value whatsoever has been made or communicated to any such governing body member or employee or official as inducement or consideration for this Agreement.

19. HOLD HARMLESS AND INDEMNIFICATION: Contracting party agrees to indemnify, hold harmless and defend Jefferson County, Alabama, its elected officers and employees (hereinafter referred to in this paragraph collectively as "County"), from and against any and all loss expense or damage, including court cost and attorney's fees, for liability claimed by a third party against or imposed upon County because of bodily injury, death or tangible property damage, real or personal, negligent acts, errors or omissions, including engineering and/or professional error, fault, mistake or negligence of Integrator, its employees, agents, representatives, or subcontractors, their employees, agents or representatives in connections with or incident to the performance of this agreement. Company obligation under this Section shall not extend to any liability caused by the sole negligence of the County, or its employees.

20. LIMITATION OF LIABILITY

Except for Contractor's indemnity obligation for third party claims for personal injury, death, property damage, or infringement, County hereby agrees that Contractor total liability to County for any and all liabilities, claims or damages arising out of or relating to this Agreement, howsoever caused and regardless of the legal theory asserted, including breach of contract or warranty, tort, strict liability, statutory liability or otherwise, shall not, in the aggregate, exceed fees paid to Contractor during the previous 12-month period. Except for Contractor's indemnity obligation for third party claims for personal injury, death, property damage, or infringement, in no event shall either Contractor or County be liable to the other for any punitive, exemplary, special, indirect, incidental or consequential damages (including, but not limited to, lost profits, lost business opportunities, loss of use or equipment down time, and loss of or corruption to data) arising out of or relating to this Agreement, regardless of the legal theory under which such damages are sought, and even if the parties have been advised of the possibility of such damages or loss and notwithstanding any failure of essential purpose of any limited remedy.

21. VIOLATION: Any violation of this certification shall constitute a breach and default of this Agreement which shall be cause for termination. Upon such termination Contractor shall immediately refund to the County all amounts paid by the County pursuant to this Agreement.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals or caused these presents to be executed by their duly authorized representative.

Jefferson County Commission

W.D. CARRINGTON, PRESIDENT

Vendor

\_\_\_\_\_, Authorized Signature

Motion was made by Commissioner Stephens seconded by Commissioner Brown that the above resolution be adopted. Voting "Aye" Stephens, Brown, Bowman and Carrington.

Oct-9-2014-902

A RESOLUTION TO SUPPORT THE CITY OF TARRANT, ALABAMA, AND  
ITS RESOLUTION IN OPPOSITION TO THE JULY 1, 2014

PETITION OF G.A.S.P. TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

TO INVESTIGATE AND DECLARE RESIDENTIAL AREAS IN THE CITY OF TARRANT TO BE A SUPERFUND SITE

BE IT RESOLVED AND ORDERED by the County Commission ("Commission") of Jefferson County (the "County") in the State of Alabama as follows:

WHEREAS, the Commission is aware of the petition, dated July 1, 2014 (the "Petition"), submitted by the organization known as G.A.S.P. to the U.S. Environmental Protection Agency ("EPA"); and

WHEREAS, the Commission understands that the Petition seeks certain actions by EPA to declare certain residential areas within the City of Tarrant, Alabama, to be a Superfund site under the federal Comprehensive Environmental Response, Compensation, and Liability Act; and

WHEREAS, the Commission further understands that the City Council of Tarrant has found the allegations in the Petition to be unfounded and that the actions requested of EPA in the Petition would subject the City, its residents, and its businesses to substantial economic hardships, including decreased property values, closing of businesses, significant job loss, diversion of City revenues and expenditure of funds, and generally depressed economic development; and



WHEREAS, the County Department of Health, EPA, and the U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, have each conducted recent studies related to health risks in the North Birmingham area, each concluding that no unacceptable risks or health impacts are present, and

WHEREAS, the County Department of Health specifically concluded in its August 6, 2014 report that populations in the Collegeville, Fairmont, and Harriman Park areas of North Birmingham have the same or lower statistical chances of death due to cancer or pulmonary disease than do populations across the rest of the County; and

WHEREAS, the Commission has been advised that the allegations in the Petition are unfounded and agrees that the actions requested of EPA in the Petition would cause substantial economic hardships to the City of Tarrant, its residents, and its businesses; and

WHEREAS, the Commission finds that such negative economic impact to the City of Tarrant would also negatively impact the economic well-being of the County; and

WHEREAS, the Commission further finds that the Petition and the actions of EPA requested therein would also directly subject the County, its residents, and its businesses to these same economic hardships; and

WHEREAS, the City of Tarrant has requested assistance from state and local leaders and representatives in opposing the G.A.S.P. Petition, including the Honorable Governor of the State of Alabama Robert Bentley, the Alabama Department of Environmental Management, the Honorable United States Senators Richard Shelby and Jeff Sessions, the Honorable United States Representative Spencer Bachus of the 6th District of Alabama, and the Honorable United States Representative Terri Sewell of the 7th District of Alabama; and

WHEREAS, the City of Tarrant has further called upon the City of Birmingham, and the Honorable Mayor William A. Bell, to oppose the G.A.S.P. Petition in order to promote a prosperous economic future for the Greater Birmingham Area; and

WHEREAS, the Commission agrees with the City of Tarrant that assistance from these federal, state and local leaders is warranted and necessary to prevent the substantial economic hardships to the City of Tarrant, the Greater Birmingham Area, and Jefferson County that would result from the actions requested of EPA in the Petition; and

WHEREAS, the Jefferson County Commission hereby agrees that the actions of EPA requested therein present an unacceptable risk of negative economic impacts to the County, its residents, its local businesses, and the municipalities within and adjacent to County borders; and

WHEREAS, that because of the negative economic impacts that would result from the Petition, if granted, the Commission hereby supports and joins with the City of Tarrant in its opposition to the G.A.S.P. Petition and the actions of EPA requested therein, and asks EPA to deny said petition.

BE IT FURTHER RESOLVED that the Commission hereby requests the support of the heretofore mentioned leaders and representatives of the State of Alabama and the City of Birmingham in opposing the G.A.S.P. Petition.

NOW, THEREFORE, the Jefferson County Commission hereby adopts and approves this resolution, on the 9<sup>th</sup> day of October, 2014.

Motion was made by Commissioner Stephens seconded by Commissioner Brown that the above resolution be adopted. Voting "Aye" Stephens, Brown, Bowman and Carrington.

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Oct-9-2014-903

WHEREAS, Act 705, October 2, 1986 of the Alabama State Legislature determines the personnel of the Jefferson County Planning and Zoning Commission; and

WHEREAS, the Act establishes three designated positions on the Commission, which are: 1) An employee of the county designated by the County Commission; 2) The County Engineer; and, 3) An employee of the Board of Health appointed by said Board; and

WHEREAS, the Commission wishes to appoint an appropriate employee for the County's designated county employee position.

NOW THEREFORE BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION, that the County employee appointed to be a designated member of the Jefferson County Planning and Zoning Commission shall be the person holding or acting in the position of Deputy County Manager for Infrastructure.

Motion was made by Commissioner Stephens seconded by Commissioner Brown that the above resolution be adopted. Voting "Aye" Stephens, Brown, Bowman and Carrington.

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Oct-9-2014-904

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that the Commission does hereby ratify the action taken by

**RESOLUTION NO. 7955**

**A RESOLUTION TO OPPOSE THE JULY 1, 2014 PETITION OF G.A.S.P. TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO INVESTIGATE AND DECLARE RESIDENTIAL AREAS IN THE CITY OF TARRANT TO BE A SUPERFUND SITE**

**WHEREAS**, the City Council of the City of Tarrant has reviewed the petition filed on July 1, 2014, by the organization known as G.A.S.P. with the U.S. Environmental Protection Agency ("EPA"); and

**WHEREAS**, the City Council, with the assistance of City staff and legal counsel, has evaluated the claims set forth in the G.A.S.P. petition, the applicable Federal, State, and local laws and regulations, and pertinent environmental studies conducted in the City and the Greater Birmingham Area; and

**WHEREAS**, after due consideration of the aforementioned, the City Council finds the G.A.S.P. petition to be unfounded and hereby opposes that same petition and asks EPA to deny it; and

**WHEREAS**, the City Council further finds that should EPA take the actions requested in the G.A.S.P. petition, the City of Tarrant would likely suffer substantial economic hardships, including decreased property values, closing of businesses, significant job loss, diversion of City revenues and expenditure of funds, and generally depressed economic development; and

**WHEREAS**, it is the City's desire to oppose the actions of G.A.S.P. and to contest the allegations and requests contained in the July 1, 2014 petition to EPA; and

**WHEREAS**, the City requests the assistance of State leaders and representatives in opposing the G.A.S.P. petition, including the Honorable Governor of the State of Alabama Robert Bentley, the Alabama Department of Environmental Management, the Honorable United States Senators Richard Shelby and Jeff Sessions, the Honorable United States Representative Spencer Bachus of the 6th District of Alabama, and the Honorable United States Representative Teri Sewell of the 7th District of Alabama; and

**WHEREAS**, the City further requests the assistance of the City of Birmingham and the office of Honorable Mayor William A. Bell in opposing the G.A.S.P. petition and to promote a prosperous economic future for the Greater Birmingham Area.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Tarrant, Alabama, while in regular session on Thursday, September 4, 2014 at 7:15 p.m., that the City hereby finds meritless and disputes the allegations of G.A.S.P. contained in the July 1, 2014 petition, opposes the actions requested therein, and asks EPA to deny said petition; and

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**Balch-ORF-PRIV-002379**

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**BE IT FURTHER RESOLVED** that the City hereby requests the support of the heretofore mentioned leaders and representatives of the State of Alabama in opposing G.A.S.P. in its pursuit of the unfounded claims set forth in its July 1, 2014 petition to EPA.

ADOPTED this 4th day of September, 2014.

APPROVED: Loycil B Tuck  
Loycil B. Tuck, Mayor

ATTEST: Lillian A Keith  
Lillian A. Keith, City Clerk

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, Lillian A. Keith, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, on September 4, 2014, while in regular session on September 4, 2014, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this 5<sup>th</sup> day of September, 2014.

Lillian A Keith  
Lillian A. Keith, City Clerk

Doc ID: 1355827

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Balch-ORF-PRIV-002380

Balch-ORF-PRIV-002380

DX 1223 - 016

**BENJAMIN GOLDMAN**  
CITY ATTORNEY

**LOXCIL B. TUCK**  
MAYOR

**LYNN KEITH**  
CITY CLERK

## **CITY OF TARRANT**

1604 Pinson Valley Parkway

P.O. Box 170220

Tarrant, Alabama 35217-0220

Office 205/849-2800

Fax 205/849-2805

**COUNCIL MEMBERS**  
**CATHERINE ANDERSON**  
**JOHN T. "TOMMY" BRYANT**

**COUNCIL MEMBERS**  
**DEBORAH M. MATTHEWS**  
**BETTY S. MIDDLEBROOKS**

**LAURA HORTON**  
MAYOR PRO TEM

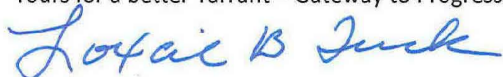
Dear Citizens of Tarrant:

Over the past decade, no organization has accomplished more to help improve the quality of life of Tarrant residents and businesses than your City government and employees. No individual or entity cares more for the health and well-being of our citizens than the men and women who serve our City. From the Greenway trail initiative to the flood mitigation project, from the Vulcan Rivet & Bolt clean up to the historic downtown renovations, the City's efforts and accomplishments have earned awards and recognition throughout the state. We are committed to making Tarrant a cleaner, healthier, better place to live, to work, to play and to build a lasting future.

While we are very proud of our accomplishments, we fully recognize that there is always more work to be done – and, we support all sincere efforts designed to improve the quality of life for the citizens of Tarrant. However, we must respectfully disagree with the tactics currently being employed that are needlessly causing concern among our City's residents about their health and safety, their property values, their homes and the futures of their families. As you may be aware, recently, the EPA decided to further investigate a portion of our community in response to a petition that the EPA received from members of an interest group, a group targeting our local ABC Coke facility. Even though the Jefferson County Board of Health has certified our City's air quality as "good", and even though all businesses operating within the City of Tarrant have been deemed by the Health Department to be in full compliance with all existing environmental rules and regulations, this promotes an agenda that, in our view, is unnecessary and unjustified.

We all want a better life for our citizens and our community, and your City government and its employees are committed to continuing our efforts to keep our environment clean and healthy. In fact, there are several new initiatives in various stages of development that will provide additional environmental improvement for our City. We welcome the support and involvement of all entities who want to responsibly help us reach our goals for a better Tarrant. But, we respectfully disagree with those who feel more reckless and potentially economically damaging efforts are required – and we hope that in the best interests of our citizens that they will reconsider their actions. If you should have any questions regarding this EPA issue, please contact Jennifer L. Wendel, Remedial Project Manager with the EPA, at (404) 562-8799.

Yours for a better Tarrant – Gateway to Progress!



Loxcil B. Tuck, Mayor